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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/608,588 | 06/27/2003 | Evgeny Polyakov | 1725-US | 8418 |
| 7590 | 09/30/2005 | | EXAMINER | |
| Teradyne, Inc. Legal Department 321 Harrison Avenue Boston, MA 02118 | | | MAIS, MARK A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2664 | |

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

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|------------------------------|--------------------------------------|-----------------------------------------|--|
| Office Action Summary | Application No. 10/608,588 | Applicant(s) POLYAKOV, EVGENY | |
| | Examiner Mark A. Mais | Art Unit 2664 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4 Dec 03, 2 Feb 04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e) based on provisional application 60/400,140.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on January 24, 2002 was filed after the mailing date of the Application on August 2, 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner considered the information disclosure statement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-19 are rejected under 35 U.S.C. 102(8) as being anticipated by Baker et al. (USP 6,266,700).

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5. With regard to claim 1, Baker et al. discloses a method of communicating over a plurality of different target media [**the logic control module can perform a plurality of functions such as data manipulation, e.g., parsing, filtering, and analysis, col. 2, lines 50**], comprising:

providing, for each of the plurality of different target busses, a plurality of communication element types, each communication element type being structured to represent a particular protocol layer a of the respective target communication medium [**programmably configurable protocol descriptions allows changes to existing protocols and supports new protocols to be added, col. 2, lines 53-59**].

6. With regard to claim 2, Baker et al. discloses that instances of each communication element type can be created for exchanging data on the respective target medium [**can be configured and reconfigured to implement data manipulation functions and accommodate substantial network (bus) modification, col. 2, lines 59-67**].

7. With regard to claim 3, Baker et al. discloses defining the plurality of communication element types responsive to exchanges allowed by the protocol of the respective target medium [**it is inherent that the communication element types would be defined; see also one or more programmable configurable program descriptions, col. 2, lines 50-52**].

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8. With regard to claim 4, Baker et al. discloses creating an instance of at least one of the plurality of communication element types **[the system can perform data manipulation, i.e., the logic control module can perform data manipulation, e.g., parsing, filtering, and analysis, col. 2, lines 50];** and

processing the instance of the communication element type for exchanging information on the respective target medium **[logic module 16 processes the program description files and extracts field values or filtered values, col. 6, lines 15-19].**

9. With regard to claim 5, Baker et al. discloses that the communication element type defines a structure for transmitting data over the target medium **[logic control module 16 supports the configuration/reconfiguration of the programmably configurable protocol descriptions to handle different transmission hardware, protocols, and suites (in order to transmit data over that different transmission hardware, protocol, or suite), col. 2, lines 59-67].**

10. With regard to claim 6, Baker et al. discloses that the communication element type defines a structure for receiving data over the target medium **[logic control module 16 supports the configuration/reconfiguration of the programmably configurable protocol descriptions to handle different transmission hardware, protocols, and suites (in order to receive data over that different transmission hardware, protocol, or suite), col. 2, lines 59-67].**

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11. With regard to claim 7, Baker et al. discloses that at least one communication element type is a message type that includes a portion for holding message data associated with instances of the respective message type **[a data file 20 includes a protocol record organized into a plurality of predefined fields, col. 6, lines 64 to col. 7, lines 1; and can be organized to be used with any possible protocol, col. 7, lines 17-20]**.

12. With regard to claim 8, Baker et al. discloses that the message data has a fixed length **[e.g., for example, a particular protocol header length may be fixed, col. 7, lines 3-7]**.

13. With regard to claim 9, Baker et al. discloses that the message data has a variable length **[a data file 20 includes a protocol record organized into a plurality of predefined fields, col. 6, lines 64 to col. 7, lines 1; and can be organized to be used with any possible protocol, col. 7, lines 17-20]**.

14. With regard to claim 10, Baker et al. discloses that the communication element type has a fixed portion that is the same for all instances of the communication element type **[e.g., for example, a particular protocol header length may be fixed, col. 7, lines 3-7]**.

15. With regard to claim 11, Baker et al. discloses that any communication element type can be defined in terms of other communication element types **[defining the overall structure of the network protocol and reference other information (e.g., other protocols) relative to that network protocol, col. 7, lines 24-27]**.

16. With regard to claim 12, Baker et al. discloses that the plurality of communication element types includes at least one message type, and each instance of the message type includes a portion for prescribing timing **[it is inherent that a logic module's programmable configurable protocol which supports any protocol would also support a time-based or timing message]**.

17. With regard to claim 13, Baker et al. discloses that the timing includes a setting for specifying a pre-message gap **[it is inherent that a logic module's programmable configurable protocol which supports any protocol would also support a message gap; especially in light of the flexibility to rearrange frames and aligning memory accesses to RISC architectures, col. 15, lines 61-67]**.

18. With regard to claim 14, Baker et al. discloses that the timing includes a setting for specifying a pre-word gap **[it is inherent that a logic module's programmable configurable protocol which supports any protocol would also support a pre-word gap; especially in light of the flexibility to rearrange frames and aligning memory accesses to RISC architectures, col. 15, lines 61-67]**.

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19. With regard to claim 15, Baker et al. discloses that the timing includes a setting for specifying a begin message timeout **[it is inherent that a logic module's programmable configurable protocol which supports any protocol would also support a message timeout; especially in light of the flexibility to rearrange frames and aligning memory accesses to RISC architectures, col. 15, lines 61-67].**

20. With regard to claim 16, Baker et al. discloses that the timing includes a setting for specifying a trailing gap **[it is inherent that a logic module's programmable configurable protocol which supports any protocol would also support a trailing gap; especially in light of the flexibility to rearrange frames and aligning memory accesses to RISC architectures, col. 15, lines 61-67].**

21. With regard to claim 17, Baker et al. discloses a method of structuring communications over a communication medium having a known protocol, comprising:

providing at least one user-definable communication element type for at least one layer of a generalized communication model, each communication element type having a user-definable structure that is adaptable for representing a corresponding layer of the protocol **[the logic control module can perform a plurality of functions such as data manipulation, e.g., parsing, filtering, and analysis, col. 2, lines 50; programmably configurable protocol descriptions allows changes to existing protocols and supports new protocols to be added, col. 2, lines 53-59].**

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22. With regard to claim 18, Baker et al. discloses a method as recited in claim 17, wherein specific instances of the communication element types can be created for representing transactions over the medium **[the system can perform data manipulation, i.e., the logic control module can perform data manipulation, e.g., parsing, filtering, and analysis, col. 2, lines 50; logic module 16 processes the program description files and extracts field values or filtered values, col. 6, lines 15-19; logic control module 16 supports the configuration/reconfiguration of the programmably configurable protocol descriptions to handle different transmission hardware, protocols, and suites (in order to transmit or receive data over that different transmission hardware, protocol, or suite), col. 2, lines 59-67]**.

23. With regard to claim 19, Baker et al. discloses a method of creating an interface with a communication medium having a protocol, comprising:

creating at least one user-definable communication element type for at least one layer of a generalized communication model **[the logic control module can perform a plurality of functions such as data manipulation, e.g., parsing, filtering, and analysis, col. 2, lines 50; programmably configurable protocol descriptions allows changes to existing protocols and supports new protocols to be added, col. 2, lines 53-59]**,

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structuring each at least one user-definable communication element type to substantially represent the protocol of the medium at the respective layer of the generalized communication model [logic module 16 processes the program description files and extracts field values or filtered values, col. 6, lines 15-19; logic control module 16 supports the configuration/reconfiguration of the programmably configurable protocol descriptions to handle different transmission hardware, protocols, and suites (in order to transmit or receive data over that different transmission hardware, protocol, or suite), col. 2, lines 59-67]; and

saving the at least one user-definable communication element type in a computer readable format that can be accessed for communicating over the medium [written and saved in PDF format, col. 10, lines 51-58].

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is (571) 272-3138. The examiner can normally be reached on 6:00-4:30.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 20, 2005



WELLINGTON CHIN
REVISORY PATENT EXAMINER